

CITY OF TIGARD, OREGON

ORDINANCE NO. 05- 04

AN ORDINANCE CONCERNING THE VACATION OF A PUBLIC SEWER UTILITY EASEMENT OF APPROXIMATELY 476 SQUARE FEET LOCATED AT SW PFAFFLE STREET AT SW 79th AVENUE, IN THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON (VAC2004-00002).

WHEREAS, the Tigard City Council initiated this vacation request pursuant to Section 15.08.040 of the Tigard Municipal Code on January 11th, 2005, and has been recommended by the Community Development Department; and

WHEREAS, the approximate 1,429 square foot public sewer easement had previously been granted to the public; and

WHEREAS, the applicant has requested that the City of Tigard vacate a 476 square foot portion of the 1,429 square foot sewer utility easement by reducing its width to the City's minimum standard of 10 feet from its present 15 foot width, as described in **Exhibit C** and shown in **Exhibit D** located on property better known as 7935 SW Pfaffle; and

WHEREAS, the said sewer utility easement, or portions thereof, are not necessary to advance the public health, safety or welfare, in consideration of realigned easement and reconstructed sewer line using modern materials; and

WHEREAS, all affected service providers, including utility companies and emergency service providers, have been given the opportunity to review the vacation proposal and have provided no objections; and

WHEREAS, notice has been mailed to all property owners abutting said vacation area and all owners in the affected area, as described by ORS 271.080; and

WHEREAS, in accordance with Tigard Municipal Code 15.08.120, notice of the public hearing was posted in the area to be vacated and published in the newspaper; and

WHEREAS, the property owners of the majority of the area affected have not objected in writing; and

WHEREAS, the City Council having considered the request on February 8, 2005, finds that it is in the public interest to approve the request to vacate said portion of the public sewer easement as the public interest will not be prejudiced by this vacation, as provided by ORS 271.120 and TMC Section 15.08.130.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard City Council hereby orders the vacation of said 476 square foot portion of public right-of-way as shown and described in the attached **Exhibits "C" and "D"** (legal descriptions and maps of the areas to be vacated), and by this reference, made part thereof.

PASSED: By unanimous vote of all Council members present after being read by number and title only, this 8th day of February, 2005.

Catherine Whealley
City Recorder – City of Tigard

APPROVED: By Tigard City Council this 8th day of February, 2005.

C. Dirksen
Craig Dirksen, Mayor

Approved as to form:

Smith V Kamm
City Attorney

2.8.05
Date

EXHIBIT C

ZTec Engineers, Inc.
Civil ♦ Structural ♦ Surveying

John McL. Middleton P.E.

Chris Fischborn P.L.S.

Ronald b. Sellards P.E.

3737 SE 8th Avenue
Portland, Oregon 97202
503-235-8795 – Fax 503-233-7889
Email: chris@ztecengineers.com

October 21, 2004

VACATION OF A 5 FEET WIDE PORTION OF A SEWER EASEMENT

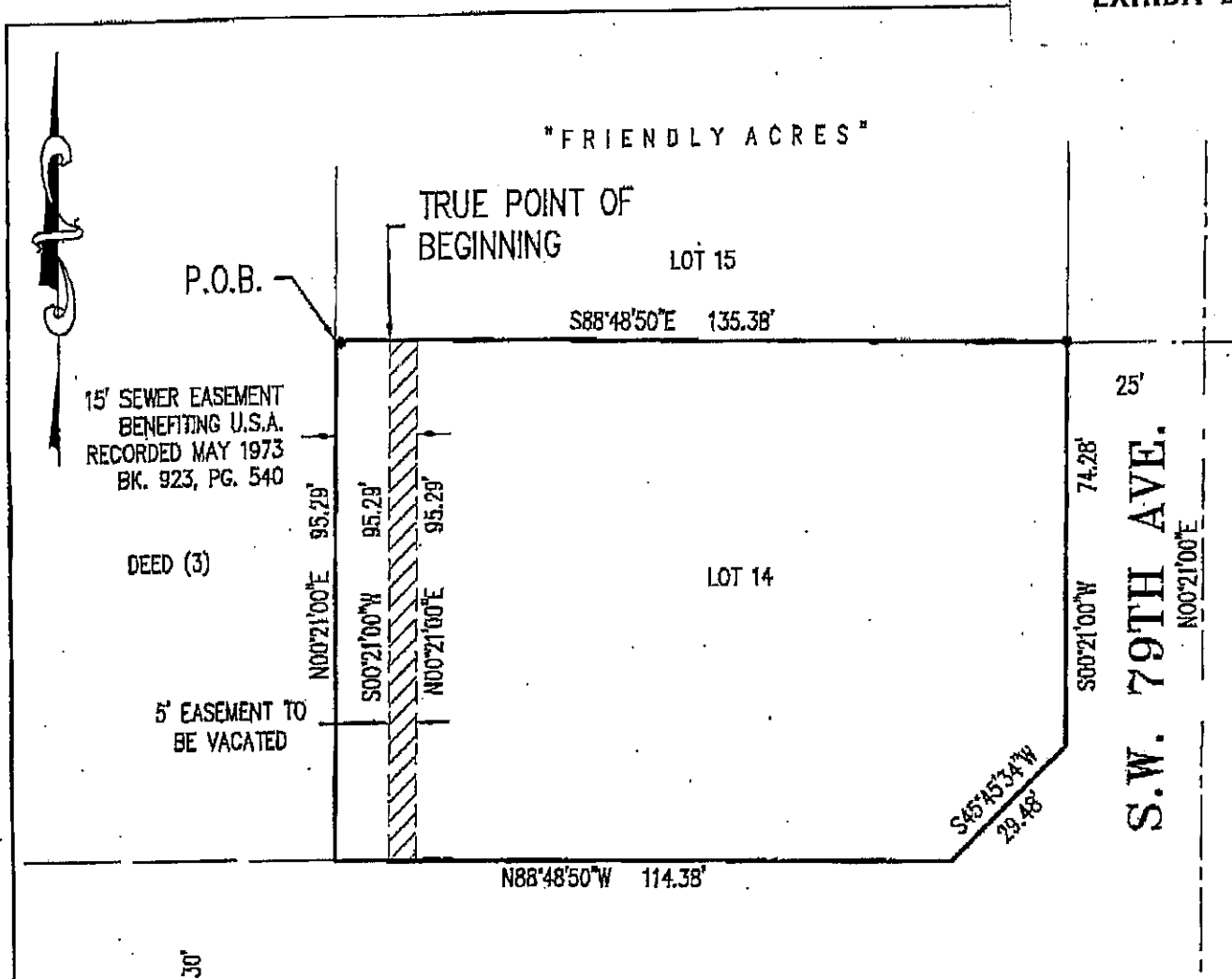
A parcel of land, being a part of Lot 14 of the recorded Plat of Friendly Acres, located in the Southwest one-quarter of Section 36, Township 1 South, Range 1 West, of the Willamette Meridian, in the City of Tigard, Washington County, Oregon. Said parcel of land also being the Easterly 5.00 feet of a 15.00 foot wide Sewer Easement, benefiting the United Sewerage Agency and recorded in May of 1973 in Book 923, Page 540, Washington County deed records, and more particularly described as follows:

Beginning at the Northwest corner of said Lot 14, thence South 88°48'50" East, along the Northerly line of said Lot 14 to a point that is 10.00 feet Easterly of when measured at right angles to the Westerly line of said Lot 14, said point being the true point of beginning of the parcel of land herein described.

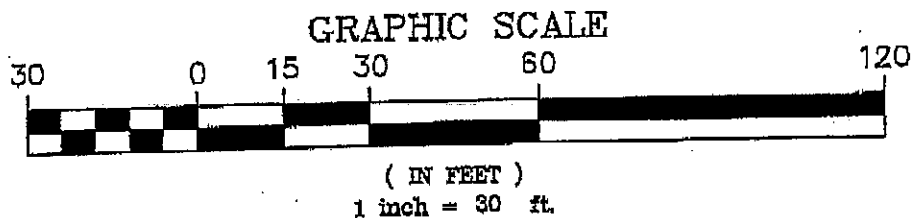
Thence South 00°21'00" West, parallel with and 10.00 feet Easterly of said Westerly line a distance of 95.29 feet to a point on the Northerly right of way line of said SW Pfaffle Street (Washington County Road No. 975); thence South 88°48'50" East along said Northerly right of way line a distance of 5.00 feet to a point that is 15.00 feet Easterly of when measured at right angles to the Westerly line of said lot 14; thence North 00°21'00" East, parallel with the Westerly line of said Lot 14, a distance of 95.29 feet, to a point on the Northerly line of said Lot 14; thence North 88°48'50" West along said Northerly line a distance of 5.00 feet to the true point of beginning.

Said Easement area contains an area of 476.45 square feet more or less.

EXHIBIT D



S.W. PFAFFLE STREET
(CO. RD. NO. 975)



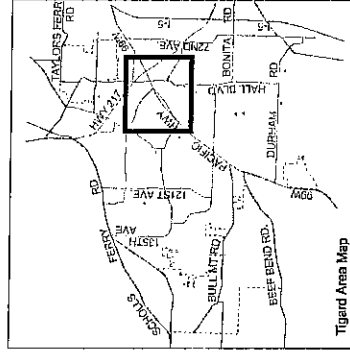
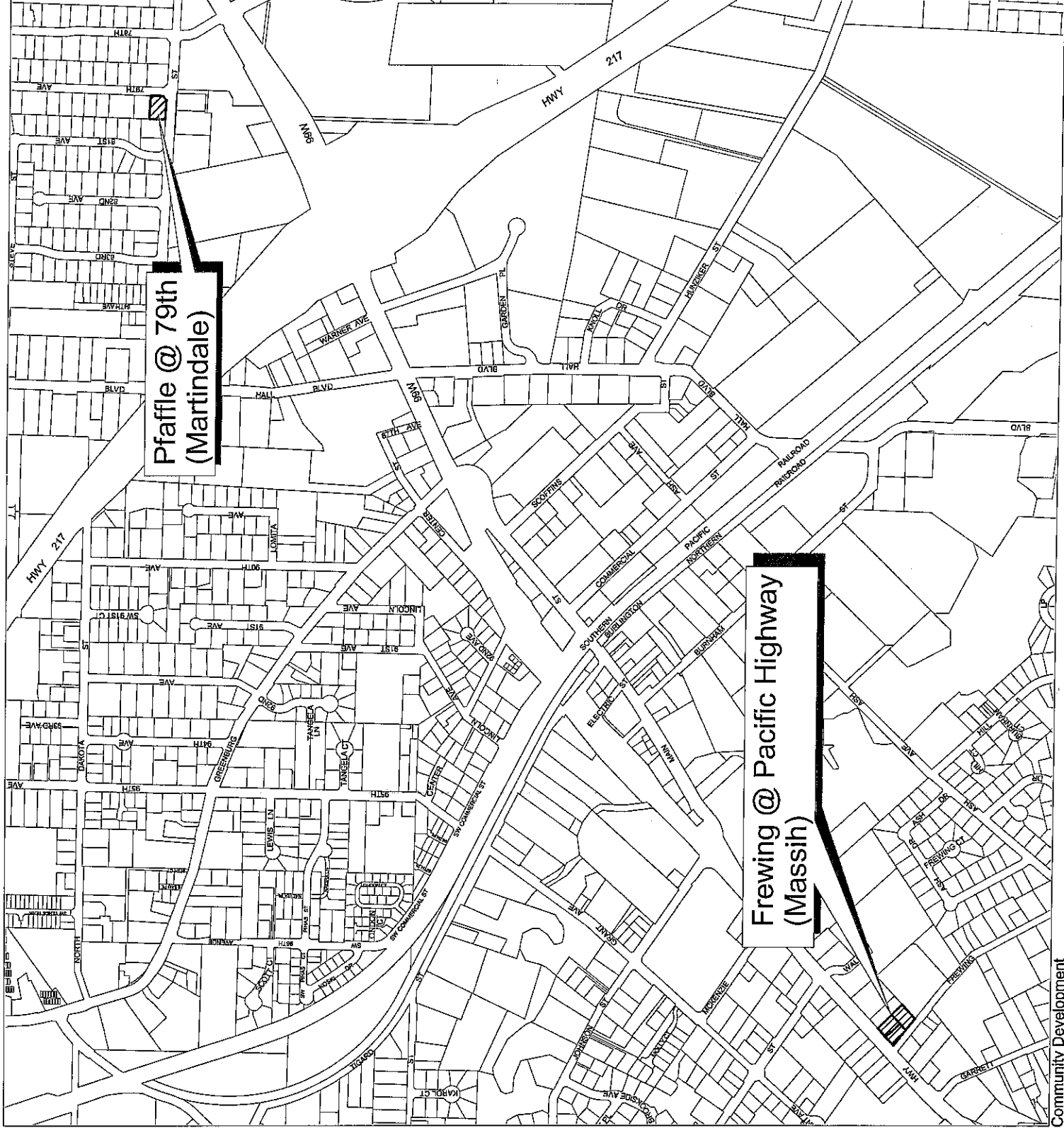
TITLE: EASEMENT EXHIBIT	
DATE: 10-21-04	PLOT DATE: 10-21-04
DWG BY: JHH	CHK BY: JM
SHEET: 1 OF 1	FILE: L31791EXH

ZTec ENGINEERS, INC.

3737 S.E. 8TH AVE
PORTLAND, OREGON 97202
(503) 235-8795

CLIENT: ~~CONTROL CONTRACTORS~~ *Sam Mayhew*
** TOTAL PAGE.003 **

VICINITY MAP VAC 2004-00002



City of Tigard

Information on this map is for general location only and should be verified with the Development Services Division.
13125 SW Hall Blvd
Tigard, OR 97223
(503) 639-4171
<http://www.ci.tigard.or.us>